IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24025 of 2004

Between:

1. P.Sudershan Kumar S/o.Babulal
   Kukatpally Municipality, Kukatpally,
   Ranga Reddy.
2. A.Laxminarasimha S/o.Yadaiah
   Kukatpally Municipality, Kukatpally,
   Ranga Reddy.

..... PETITIONERS

AND

1. The Govt. of Andhra Pradesh rep by its Principal Secretary
   Andhra Pradesh, Secretariat, Hyderabad.
2. The Director of Municipal Administration, Andhra Pradesh
   Tank Bund Road, Hyderabad.
3. The Regional Director -Appellate Commissioner of Municipal

Administration, Hyderabad.

4. The Govt of Andhra Pradesh rep by its Principal Secretary
   A.P.Secretariat, Hyderabad.
5. The Municipal Commissioner
   Kukatpally Minicipality, Kukatpally,
   Ranga Reddy Dist.

6. P.Siddi Ramulu s/o P.Chandaiah, aged 39 years, presently . . working as Junior

Assistant in Alwal Municipality, Ranga . . . Reddy District.

(R-6 is added as per orders in WPMP NO.2870 of 2005, dated . 21-3-2005 by GB,J & PSN,J.)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order, or direction more particularly one in the nature of writ of mandamus declaring the orders of the Hon'ble A.P.Administrative Tribunal passed in OA Sr.No.13938/2004 dt 26-11-2004 as void, illegal, arbitrary and against the principles of Natural justice and consequently direct the Respondents herein not to fill up the posts in which the petitioners are working by other regular employees from other Municipalities till the cases of the petitioners are considered for regularisation as directed by the Hon'ble A.P.Administrative Tribunal in its orders dt 3-1-2004 in OA No. 567/2004 and to pass such other order or further orders.

Counsel for the Petitioner:MR.S.JAGADISH

Counsel for the Respondents:1 to 4: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondents No. 5: Mr. P.RADHA KRISHNA

Counsel for the Respondent No.6: Mr. P. RAGHAVENDER REDDY

The Court made the following :

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ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

This writ petition is filed assailing the order dated 26-11-2004 in O.A.(SR) No. 13938 on the file of A.P. Administrative Tribunal, Hyderabad.

2. The petitioners are working in Kukatpally Municipality for several years and they filed O.As. before the Tribunal. The Tribunal disposed of the O.As. with a direction to

consider their case for regularization as Junior Assistants. In pursuance of the said order, it appears that the case of the petitioners has been recommended by the Commissioner, Municipality, to the Director of Municipal Administration and the matter is pending consideration of the Government. But, in the meanwhile, the grievance of the petitioners is that other Junior Assistants working in other Municipalities are being posted to Kukatpally Municipality with the result, the petitioners will loose the chance of getting absorbed as Junior Assistants. Therefore, the petitioners filed O.As. before the Tribunal. The Tribunal holding that as there was no order passed by the appropriate authority and that the petitioners have approached the Tribunal on a mere apprehension, dismissed the O.As. Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioners placed before this Court the order passed by the Government in G.O.Rt.No.1461, dated 21-12-2004, wherein certain employees from other Municipalities are posted to various other Municipalities. In the instant case, two Junior Assistants one from Siddipet another from Sangareddy are posted as Junior Assistants in Kukatpally Municipality.

4. Under these circumstances, we feel that the matter should be reconsidered with reference to G.O.Rt.No. 1461, dated 21-12-2004.

5. Accordingly, Writ Petition is allowed and the order of the Tribunal is set aside and the matter is remitted back to the Tribunal. The petitioners shall file appropriate amendment petition challenging G.O.Rt.No.1461, dated 21-12-2004 to the extent they aggrieved. Pending disposal of the O.A., the proposed respondent Mr.P.Siddiramulu who could not join the post at Kukatpally on account of status quo shall be permitted to join the post subject to the result in O.A. The Tribunal shall dispose of the matter without taking into consideration the factum that the other employees have joined the post. This exercise shall be done within six weeks from the date of receipt of a copy of this order. No order as to costs.

G.Bikshapathy, J.

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P.S.Narayana,J.

21st March, 2005

KM

That Rule Nisi has been made absolute as above. Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the twenty first day of March two thousand five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government.
   Andhra Pradesh, Municipal Administration and Urban . . Development Department, Secretariat, Hyderabad.
2. The Director of Municipal Administration, Andhra Pradesh
   Tank Bund Road, Hyderabad.
3. The Regional Director -Appellate Commissioner of Municipal Administration, Hyderabad.
4. The Principal Secretary to Govt of Andhra Pradesh
   Finance and Planning Department, A.P.Secretariat, Hyderabad.
5. The Municipal Commissioner
   Kukatpally Minicipality, Kukatpally,
   Ranga Reddy Dist.

6. 2 CCs to G.P. for Municipal Administration and Urban Development,

High Court Buildings, Hyderabad. (OUT)

7. 2 CD copies

8. 1 CC to MR.POLISETTI RADHAKRISHNA

9. 1 CC to MR.RAGHAVENDRA REDDY

10. 1 CC to MR.JAGADISH

11. The Registrar, A.P. Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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21st March, 2005